

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN J. RIORDAN,

Plaintiff,

23-CV-00881 (JAV)

-V-

NATIONAL EXECUTIVE COUNCIL, AMERICAN  
FEDERATION OF GOVERNMENT EMPLOYEES,  
AFL-CIO,

ORDER

Defendants.

JEANNETTE A. VARGAS, United States District Judge:

On April 14, 2025, Defendant AFGE Local 3369 (“Defendant”) filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that, Plaintiff shall file any amended complaint by **May 16, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss or indicates that it relies on its previously filed motion to dismiss, any opposition shall be filed by three (3) weeks after the new motion to dismiss if filed, and any reply shall be filed within one (1) week of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **May 16, 2025**, and Defendant shall file any reply by **May 23, 2025**.

SO ORDERED.

Dated: April 17, 2025  
New York, New York

JEANNETTE A. VARGAS  
United States District Judge